

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

## PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20123Application 24652 of Citizens Utilities Company of CaliforniaP. O. Box 15468, Sacramento, California 95813filed on July 26, 1974, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

## 1. Source:

## Tributary to:

(1) Bull CreekSan Lorenzo River(2) Bull SpringBull Creek(3) Bennett CreekFall Creek(4) Fall CreekSan Lorenzo River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
(1) North 84°00' East 2,607 feet from W $\frac{1}{4}$ corner of Section 21	SE $\frac{1}{4}$ of NW $\frac{1}{4}$	21	10S	2W	MD
(2) South 1,700 feet and East 100 feet from NW corner of Section 21	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	21	10S	2W	MD
(3) South 576 feet and East 41 feet from NW corner of Section 21	NW $\frac{1}{4}$ of NW $\frac{1}{4}$	21	10S	2W	MD
(4) North 45°05' East 78 feet from fractional corner between Sections 16 and 21 on west boundary of Zayante Rancho	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	16*	10S	2W	MD

County of Santa Cruz

\*Projected

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
Municipal	Service area of Citizens Utilities Company of California, being within projected and fractional Sections 16 and 21, and projected Sections 15, 22, 23, 26, 27 and 28 as shown on map filed with the State Water Resources Control Board.					
			10S	2W	MD	

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 1.7 cubic feet per second to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this permit, together with that diverted under licensed Applications 5297, 5299, 8843, 8844 and 8845 shall not exceed 1,059 acre-feet per annum. (0000005)
6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
7. Complete application of the water to the authorized use shall be made by December 31, 2000. (0000009)
8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)
9. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

12. For the protection of fish and wildlife, diversion under this permit shall be subject to the following bypass flows at the Fall Creek diversion:

(a) April 1 through October 31, 1.0 cubic foot per second and (b) November 1 through March 31, 1.5 cubic feet per second. The natural streamflow shall be bypassed whenever it is less than the required bypass flow. However, during a dry year, the bypass requirement shall be reduced to 0.75 cubic foot per second November 1 through March 31 and 0.5 cubic foot per second April 1 through October 31. A dry year is one in which cumulative monthly runoff in the San Lorenzo River at the U. S. Geological Survey gage at Big Trees is less than the amounts shown in the following schedule.

November 1 for the month of October .....	500 acre-feet	
December 1 for October and November .....	1,500 acre-feet	
January 1 for October through December .....	5,000 acre-feet	
February 1 for October through January .....	12,500 acre-feet	
March 1 for October through February .....	26,500 acre-feet	(0140400)

13. Permittee may divert water under this permit only when flow in the San Lorenzo River below the Felton Diversion Weir exceeds the following amounts:

- a. September -- 10 cubic feet per second;
- b. October -- 25 cubic feet per second;
- c. November 1 through May 31 -- 20 cubic feet per second.

(0350900)  
(0350400)

14. No water shall be diverted under this permit until permittee has installed a device on Fall Creek, satisfactory to the Chief, Division of Water Rights, of the State Water Resources Control Board, which is capable of measuring the flows required by the conditions of this permit. Said measuring device shall be properly maintained.

(0060062)  
(0360400)

15. Permittee shall maintain a record of the stream and bypass flows on Fall Creek and make such records available to the State Water Resources Control Board upon reasonable request.

(0090400)

16. In accordance with Sections 1601 and 6100 of the Fish and Game Code, no water shall be diverted under this permit until the Department of Fish and Game has determined that measures necessary to protect fishlife have been incorporated into the diversion facilities. The construction, operation, and maintenance costs of any required facility are the responsibility of the permittee.

(0000063)  
(0360500)

17. Permittee shall install and maintain a fish screen at any point of diversion past which salmon or steelhead are expected to migrate as determined by the Department of Fish and Game and as required by Section 6100 of the Fish and Game Code.

0400500)  
(0360500)

18. Permittee shall establish only those new water service connections that have been authorized by any required local permits and which demonstrate compliance with the Central Coast Regional Water Quality Control Plan, as may be amended from time to time.

(0000300)  
(0450300)

19. Permittee shall consult with the Division of Water Rights and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the State Water Resources Control Board for approval within one year from the date of this permit or such further time as may, for good cause shown, be allowed by the Board. A progress report on the development of a water conservation program may be required by the Board at any time within this period.

All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein.

(0000298)  
(0410700)

20. Total diversion of water under this permit and licensed Applications 5297, 5299, 8843, 8844 and 8845 above a daily maximum of 1.87 cubic feet per second is prohibited until the permittee demonstrates, and the Chief, Division of Water Rights concurs in writing that the permittee can provide a dependable supply of water to its users during the months of July through November.

0350900  
(0350800)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

AUGUST 03 1987

Dated:

STATE WATER RESOURCES CONTROL BOARD

*Raymond Walsh*

Chief, Division of Water Rights